

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO.
ELH-14-259

DANIEL JONES,

Defendant

_____ /

(Sentencing)
Friday, August 8, 2014
Baltimore, Maryland

Before: Honorable Ellen L. Hollander, Judge

Appearances:

On Behalf of the Government:
Michael C. Hanlon, Esquire

On Behalf of the Defendant:
Allison R. Levine, Esquire

Reported by:
Mary M. Zajac, RPR, FCRR
Fourth Floor, U.S. Courthouse
101 West Lombard Street
Baltimore, Maryland 21201

1 (Proceedings at 3:06 p.m.)

2 MR. HANLON: Your Honor, I call United States versus
3 Daniel Jones, Criminal Case Number ELH-14-0259. This matter is
4 set for sentencing. Michael Hanlon for the United States.

5 THE COURT: All right. Counsel?

6 MS. LEVINE: Good afternoon, Your Honor. For the
7 record, Allison Levine, of Roland Walker and Marc Zayon, on
8 behalf of Mr. Daniel Jones, who is directly to my right.

9 THE COURT: All right. If your client is ready to
10 proceed. Of course, please have a seat.

11 Counsel, are you satisfied --

12 MS. LEVINE: Your Honor, if I may, I know that -- I've
13 been over in Judge Bennett all week. We just had a verdict. If
14 I may have just a moment or two with my client.

15 THE COURT: Sure. I just got word that you all were
16 ready.

17 MS. LEVINE: I just need a moment or two to talk and
18 let him know what's going to go on.

19 THE COURT: Okay. Take all the time you need. I'll
20 take a recess. Let me know when you're ready.

21 (Recess.)

22 THE COURT: Have you had enough time, counsel?

23 MS. LEVINE: Yes. Thank you, Your Honor.

24 THE COURT: Okay. Can you assure me, counsel, that
25 your client is both physically and mentally able to proceed to

1 sentencing?

2 MS. LEVINE: He is physically and mentally ready to
3 proceed, Your Honor.

4 THE COURT: Okay. And has he either personally read or
5 have you read to him the content of the Presentence Report?

6 MS. LEVINE: He has personally read it, and my
7 colleague, Jason Silverstein, visited him and they went over it
8 together.

9 THE COURT: Okay. Then you may have a seat.

10 We are here for sentencing in connection with the
11 defendant's plea of guilty on June 4, 2014, to Count One of an
12 information, charging possession of a firearm by a convicted
13 felon, in violation of 18 USC Section 922(g)(1). And that is a
14 Class C felony. Of course I've read the Presentence Report, and
15 that is ECF 29.

16 I'm also mindful that, under Paragraph 11 of the plea
17 agreement, the plea was entered under Rule 11(c)(1)(C), calling
18 for a total sentence of 72 months of imprisonment, with the
19 sentence to run from November 25 of 2013.

20 Let me explain to Mr. Jones exactly how we'll be
21 proceeding this afternoon.

22 It is the Court's responsibility, pursuant to several
23 cases in the United States Supreme Court and the United States
24 Court of Appeals for the Fourth Circuit, to undertake the
25 calculation of what we call the advisory sentencing guidelines.

1 As the name suggests, these guidelines are advisory and not
2 mandatory. Even though the parties have agreed upon a
3 disposition, the Court must nonetheless actually make these
4 calculations, and make them correctly. These calculations serve
5 as what we call the starting point, or the benchmark, in arriving
6 at a sentence that is appropriate.

7 In every case, of course, the Court nonetheless must
8 make an individualized assessment based on the person who appears
9 for sentencing and also, of course, the circumstances of the
10 offense. The Court never presumes the sentence is necessarily
11 one that falls within the guidelines, even though the Court must
12 make the calculations. As I said, each case must be analyzed
13 individually.

14 With this background, though, I'm going to make the
15 calculations. And then, counsel, if I've made any mistakes or
16 errors, I'll invite you to tell me.

17 The Sentencing Commission guideline for a violation of
18 18 USC Section 922(g)(1) is found in Section 2K2.1(a)(2) of the
19 guidelines. And, Mr. Jones, when we talk about the guidelines,
20 it's a pretty thick manual. Every section I mention you can
21 actually find in here. And a lot of things get mentioned. There
22 are statutes. That's something separate. There are rules.
23 That's something else. But for purposes of making sure you
24 understand what I'm talking about for the guidelines, it's based
25 on this pretty thick manual.

1 So we look to 2K2.1(a)(2), and it calls for a base
2 offense level of 24. This is because you committed the instant
3 offense that brings you here today subsequent to sustaining at
4 least two felony convictions for either a crime of violence or a
5 controlled substance offense.

6 Because the firearm was stolen, the base offense level
7 is increased by two. This is under 2K2.1(b)(4)(A) of the
8 guidelines. And because the firearm was used in connection with
9 another felony offense, the base offense level is increased
10 again, this time by four levels. This is under 2K2.1(b)(6)(B).

11 When you add everything up before any deductions, you
12 arrive at an offense level of 30.

13 There are some deductions. Two, because you have
14 accepted responsibility for your criminal misconduct. This is
15 under 3E1.1(a). And in anticipation of a motion by the
16 government, as agreed upon in the plea agreement, you would get
17 one more deduction under Section 3E1.1(b) for your timely
18 notification of your intention to plead guilty. Does the
19 government so move?

20 MR. HANLON: The government so moves, Your Honor.

21 THE COURT: That motion would be granted. So there's a
22 total of three deductions, giving a final offense level of 27.

23 In terms of the defendant's criminal history
24 category -- and this is something the Court must consider as part
25 of the guideline calculation -- the defendant presents with two

1 prior felony offenses that qualify, it seems to me, from looking
2 at them. And if there's any dispute, I'm going to ask counsel to
3 let me know. He has a conviction for possession with the intent
4 to distribute. And this was an offense for which he was found
5 guilty in November of 1999 in the Circuit Court for Baltimore
6 City. And he looks like he had a time-served sentence and placed
7 on probation. He was found guilty of violating that probation
8 and ultimately received a three-year sentence.

9 And then he has a conviction for first degree
10 assault -- and I pause to note it's not second degree, it's first
11 degree assault -- and use of a handgun in the commission of a
12 crime of violence, and possession with intent to distribute. And
13 these offenses, he was found guilty of them on May 7 of 2001.
14 And he received, looks like a sentence of 10 years suspend all
15 but five. Is that right?

16 MR. HANLON: That's the government's reading, Your
17 Honor.

18 MS. LEVINE: Yes.

19 THE COURT: Okay. So this gives the defendant a
20 criminal history score of six points and a criminal history
21 score -- excuse me. Yes. Six points. And that translates to a
22 criminal history category of three. So far any issues, counsel?

23 MR. HANLON: No, Your Honor.

24 MS. LEVINE: No, Your Honor.

25 THE COURT: In terms of the statute, the maximum term

1 of imprisonment is 10 years under 18 USC Section 924(a)(2). And,
2 under the guidelines, based on a total offense level of 27 and a
3 criminal history category of 3, the range for imprisonment is 87
4 to 108 months.

5 In terms of supervised release, if a term of
6 imprisonment is imposed, by statute the Court may impose a term
7 of supervised release of not more than three years. This is
8 under 18 USC Section 3583(b)(2).

9 In terms of the guidelines, if the Court imposes a term
10 of imprisonment of more than one year, then under 5D1.1(a),
11 supervised release would be required. The guideline range is at
12 least one year, but not more than three. This is under
13 5D1.2(a)(2) of the guidelines.

14 By way of 18 USC Section 3561(c)(1), the defendant
15 would be eligible for not less than one, nor more than five,
16 years of probation. Under the guidelines, he is not eligible for
17 probation. This is under 5B1.1(a), Application Note 2.

18 By statute, the maximum fine is \$250,000. This is
19 under 18 USC Section 3571(b)(3). Under the guidelines,
20 5E1.2(c)(3), the fine range is from \$12,500 to \$125,000. There
21 is a mandatory special assessment of \$100 required by law.

22 Under Paragraphs 12 and 13 of the plea agreement, as
23 part of it, the defendant agreed to the entry of an order of
24 forfeiture. I have been presented with a consent order of
25 forfeiture. And it pertains to a Taurus Model PTAF 9 millimeter

1 pistol; \$10,751 in US currency that was seized on November 25,
2 2013; and \$760 in US currency seized on November 25 of 2013, all
3 more particularly described in the consent order of forfeiture.
4 It doesn't have the defendant's name on it but --

5 MR. HANLON: Did I make a -- oh, I'm sorry. The
6 signature line, Your Honor?

7 THE COURT: It just has your --

8 MR. HANLON: That's correct, Your Honor. Since it's a
9 consent and since it's already contemplated in the plea
10 agreement, I just signed it myself. I did not ask the defense to
11 sign it. I don't think the defense has an objection.

12 MS. LEVINE: I have no objection. I've gone over the
13 document with my client.

14 THE COURT: Okay. Does he have any objection?

15 MS. LEVINE: No. I've gone over everything with him.

16 THE COURT: Okay. So I will be signing the consent
17 order of forfeiture as part of the plea agreement.

18 So I think I've covered everything that is required by
19 way of guideline calculations. Any objections, errors? Any
20 issues in dispute?

21 MR. HANLON: Not from the government, Your Honor.

22 MS. LEVINE: No, Your Honor. We did do a pre-plea
23 investigation. There is a report. And everything is consistent
24 with that report.

25 THE COURT: Okay. So I guess my question will be,

1 starting with the government, in terms of the (C) plea of 72
2 months, it is below the guidelines. So I will be interested in
3 hearing from you, Mr. Hanlon, as to why the Court should go along
4 with the (C) plea.

5 MR. HANLON: Certainly, Your Honor. We are, I believe,
6 if my math is correct, 15 months below the guidelines in this
7 case with this recommendation, assuming that math is correct. 87
8 minus 72, I think, is 15 months.

9 The background of this, Your Honor, I'll come to two
10 reasons why I would ask the Court to consider that differential
11 in this case. There is a background here that, where Ms. Levine
12 and Mr. Silverstein and I had a pretty healthy period of time,
13 following the defendant's initial appearance and prior to any
14 indictment in the case, to discuss and to negotiate, to discuss
15 his background, to discuss the circumstances of the prior
16 convictions and the circumstances of this case. So there was a
17 negotiation that led to all of this.

18 At the end of the day, in addition to just the time
19 that I had to sort of reflect on this, there were two things that
20 led me to believe that this is a case where the government felt
21 comfortable recommending something that we knew would be a little
22 bit below the guidelines.

23 Number one, the defendant's acceptance of
24 responsibility in this case was extremely prompt, much more
25 prompt than I'm accustomed to seeing in many cases. Leaving

1 aside the fact that he sort of accepted responsibility on the
2 night of the offense, once he had his initial appearance in
3 federal court, it was an extremely quick process of the defense
4 approaching me and saying, he's ready to accept some
5 responsibility here. And that's one the reasons why this was a
6 plea to an information with a waiver of indictment, rather than
7 an indictment with full pretrial litigation. That was certainly
8 meaningful.

9 It preserved a lot of government resources and
10 demonstrated, I think, a willingness on the part of this
11 defendant to take responsibility and move forward. That is
12 meaningful to me. And it often does cause me, in a
13 pre-indictment context, to be comfortable with a certain 3553(a)
14 recommendation that maybe I won't be comfortable with later on.

15 The other thing, Your Honor, is with respect to the
16 defendant's criminal history -- and it is a significant criminal
17 history, Your Honor, I'm certainly not going to suggest
18 otherwise -- but I did take note of the fact that the defendant
19 is a base offense level 24, which means that both his base
20 offense level and his criminal history category are both being
21 driven substantially by convictions that are both more than a
22 decade old at the time of the incident. I'm not going to suggest
23 that that's massive mitigation, Your Honor. These are
24 significant convictions, particularly the first degree assault.
25 But they did cause me to believe that maybe something below

1 guidelines, particularly in a pre-indictment context, was
2 something that I would feel comfortable with, that I felt could
3 be justified under 18 USC Section 3553(a).

4 At the end of the day, Your Honor, the 3553(a) factors
5 I think are most important are the nature and circumstances of
6 the offense, the defendant's criminal history, the need to
7 protect the community, and the need to deter the defendant.
8 Clearly, those are factors that call for a substantial period of
9 imprisonment. The parties are recommending a substantial period
10 of imprisonment of six years.

11 In the unique context of this case, the
12 super-acceptance of responsibility and the criminal history,
13 which is very serious, I think needs to be put in context, I do
14 believe that a modestly below-guidelines sentence is supportable
15 in this case, and the government recommends 72 months.

16 THE COURT: Okay. Thank you, Mr. Hanlon. Ms. Levine?

17 MS. LEVINE: Thank you, Your Honor. If I may, I have
18 known Mr. Jones for a while. I have been involved in this case
19 since the day that he was arrested. That next day I was at his
20 bail review when it still in state court on November 25th.

21 Once it came over to the federal government, I was
22 speaking with Mr. Hanlon. We had been in constant communication.
23 Right away, my client expressed an interest in accepting
24 responsibility and moving forward so that we could expedite the
25 process and that he wouldn't be wasting the government's

1 resources. He has accepted responsibility.

2 If I may talk briefly about his criminal history. We
3 did go forward with a pre-plea investigation. The report is in
4 front of me. I will concede that there is a significant criminal
5 history. But, again, there is nothing that has occurred within
6 the past 10 years. And I believe that's because he was around
7 18, 19 years old when those prior events did occur.

8 Since that time, he has found himself, he has young
9 children, he has taken care of them, he wants to be a provider
10 for them. He doesn't want to grow up and have his children look
11 at him the way that he remembers his household without his
12 father. So he understands that there is a significant period of
13 incarceration that is being recommended pursuant to the plea,
14 which is the 72 months, and with the recommendation that it date
15 back to November 25th, which was the date of the arrest.

16 However, he is extremely interested in serving time,
17 getting out, and being able to provide for his family, be home
18 with his young children. He would take his children to school
19 every day. He was very involved since day one. It's always been
20 about his children. How are they doing? How are they doing in
21 school?

22 So I would just submit to Your Honor that my client is
23 accepting responsibility, he has gone along with all the
24 recommendations, including the consent forfeiture, and ask that
25 Your Honor accept the plea of 72 months.

1 (It is the policy of this court that every guilty plea
2 and sentencing proceeding include a bench conference concerning
3 whether the defendant is or is not cooperating.)

4 THE COURT: Okay. Let me explain to Mr. Jones that he
5 has, sir, the absolute right to address the Court in your own
6 behalf if you would like to. You're not required to. If you
7 chose not to, I would never hold it against you. It is, of
8 course, entirely up to you. But if wish to say anything, this
9 would be the time.

10 THE DEFENDANT: Yeah. Yeah. I'd like to say a couple
11 things, if you don't mind. I apologize for, you know what I'm
12 saying, for coming through these processes or coming through
13 these doors again. When I committed them crimes, I was younger.
14 I was like 18, 19 years old. I really apologize. Like I say, I
15 didn't really want to waste the state's time or their effort
16 trying to go to trial, knowing that I was wrong in this case.
17 You know what I mean? I'm just trying to get back out there as
18 fast as I can to my kids and accept responsibility, move on with
19 my life, and try not to ever get myself caught up in these
20 situations again. You know what I mean?

21 I'm older now. I was really trying. You know what I
22 mean? I took my daughter to school every day. I picked my son
23 up from day care. I was like the main provider in their life. I
24 lost my job. My uncle passed. You know what I mean? I kind of
25 cut down the wrong road. You know what I mean? And I apologize.

1 I apologize to you and my family by even having them, you know
2 what I mean, keep going through this with me. You know what I
3 mean? That's it.

4 I apologize. You know what I mean?

5 THE COURT: Well, thank you, sir. That's much
6 appreciated. And I do have a couple remarks. I will go along
7 with the (C) plea, but I have to say, it must have been your
8 lucky day that you had Mr. Hanlon as the prosecutor in this case
9 because it's a rare day that I see the government recommend a
10 sentence below, substantially below, in my view, 15 months, the
11 bottom of the guidelines. That doesn't happen every day.

12 I do commend the prosecutor. I think he was quite
13 reasonable, and he gave his reasons. I think they're sound. It
14 easily could go a different direction, though. And I do feel
15 compelled to say a few things to you, Mr. Jones.

16 For one, I would hope that perhaps I can inspire you to
17 turn yourself around. And for another, there are some very
18 serious aspects to this case, and I feel I would be remiss if I
19 didn't let you know what I was thinking.

20 First of all, guns are a huge problem in our community.
21 The violence has to stop. And it has to stop. People blame the
22 courts because here's the person standing before the Court, had a
23 loaded weapon. For what possible reason could you have had that
24 gun except to use it? And enough is enough.

25 And there's certainly every reason to say that the

1 Court should dole out a sentence that's harsh, to take account
2 for the fact that this is a serious offense. And when I couple
3 that with your prior record -- yes, your record is old to some
4 extent, and you were young. You're not young any more. You're
5 not old. You have a long life ahead of you, I hope. But you're
6 getting to the point about being old enough to know better. And
7 you were only released on the second of the two serious offenses
8 in 2008. So you did serve some time on that one. So I would
9 have hoped that would have been enough to tell you that it's time
10 to turn yourself around. It upsets me that that message didn't
11 get to you.

12 And the nature of that offense exactly proves my point
13 about guns. People have them, they use them. That case involved
14 an actual shooting. And thankfully, the person wasn't killed.
15 But it's obviously a serious offense.

16 Now, the police advised that Nathaniel shot him. I
17 take it you're not Nathaniel, are you?

18 THE DEFENDANT: Nuh-uh.

19 THE COURT: I don't know who the Nathaniel was. But I
20 gather that you were there. Is that what this was about?

21 THE DEFENDANT: Yeah. That's kind of sort of. That's
22 why the judge brung me back in court and resentenced me, and I
23 went home like a couple months after that.

24 THE COURT: Okay. It says you were mandatorily
25 released on August 4 of '08.

1 THE DEFENDANT: Yeah.

2 THE COURT: So it was a shooting. I gather you didn't
3 pull the trigger. And I'm certainly happy to hear that.
4 Apparently, several men were there. I don't know any more
5 details than what it says in Paragraphs 30 and 31 of the
6 Presentence Report, and that's where I was getting my information
7 from.

8 But let me say this, Mr. Jones. You did remark about
9 your efforts to be a good father to your children. And I hope
10 that that will carry you forward. You can't be a good father to
11 your children if you're locked up --

12 THE DEFENDANT: Yes.

13 THE COURT: -- and committing crimes. They deserve you
14 to be in their life. And they need you. And they need you to be
15 a good role model to them.

16 So I'm hopeful that you'll take advantage of what
17 frankly I think could be argued as a lenient sentence today.
18 Even though it's one the government recommends, I have to sign
19 off on it, so to speak, and I am. It is one that I have to
20 justify.

21 I want to make a few comments to you because Congress
22 tells the judges there are a number of things the judges are
23 supposed to consider in imposing a sentence. One is for the need
24 for the sentence to reflect the seriousness of the offense and to
25 provide just punishment for the offense. And the sentence could

1 be harsher, but I do agree that a sentence of 72 months
2 accomplishes that objective. It's not an insignificant sentence,
3 particularly in the federal system where there is no parole.

4 Another is to deter others from such criminal conduct.
5 And if only this would work. I'd like to believe that it does
6 work. It doesn't work well enough because we need to send a
7 message loud and clear that we're not going to tolerate the use
8 of guns in our communities.

9 Another is to protect the public from further crimes of
10 the defendant. I would like to believe you. I would like to
11 trust you, that you have said this is it, you're going to be a
12 law-abiding member of the community from this point going
13 forward. But only you know the answer to this.

14 And then, finally, to rehabilitate the defendant in the
15 most effective manner. And I suppose we could spend a long time
16 discussing that one and never reach a resolution as to what would
17 be the most effective manner. But, of course, the Court can
18 never extend the sentence for the sake of rehabilitation. And I
19 certainly wouldn't do that here.

20 So all in all, when I weigh the pros and cons, I'm
21 willing to adopt the (C) plea. And with this, sir, under
22 3553(a), I'm satisfied it is an appropriate sentence. And
23 therefore, I hereby sentence you, sir, pursuant to the (C) plea,
24 to a term of imprisonment of 72 months in the Bureau of Prisons,
25 with the sentence to run from November 25, 2013, and upon your

1 release place you on a period of supervised release for three
2 years.

3 And I will impose the mandatory and standard conditions
4 of supervised release adopted by the Court and the Probation
5 Office, and the following special conditions: That you
6 satisfactorily participate in a treatment program approved by the
7 Probation Office relating to substance abuse and/or alcohol
8 abuse, which may include evaluation, counseling, and testing as
9 deemed necessary; that you satisfactorily participate in a
10 vocational or educational program; and that you pay a mandatory
11 special assessment of \$100, as required by law.

12 For the reasons stated in the Presentence Report, it
13 does not appear to me that you have the ability to pay a fine.
14 And, therefore, under 5E1.2(e), I will waive imposition of a
15 fine. I have, of course, already signed the order of forfeiture.

16 I know, because this was an information, there are no
17 other open counts.

18 Is there any legal objection to the sentence?

19 MR. HANLON: Not from the government, Your Honor.

20 THE COURT: Any requests from the defense?

21 MS. LEVINE: I do have just a few requests, Your Honor,
22 if I may. I would ask that Your Honor make a recommendation --
23 we're not sure as to his eligibility for camp status -- but if he
24 is eligible, that he be recommended to be placed in a camp either
25 at Cumberland or Fort Dix. If not, if he's medium

1 classification, he would like to go to Fort Dix in New Jersey.
2 He would like to stay as close to home as possible. He does have
3 young children.

4 THE COURT: I will certainly make those
5 recommendations.

6 MS. LEVINE: Thank you. And if I may, just one more
7 request, Your Honor. Pursuant to supervised release conditions,
8 there is the substance and alcohol abuse program. If Your Honor
9 is inclined to make a recommendation that he be eligible for the
10 programs that are offered at either institution, any drug or
11 alcohol program that he may get into. I believe it's the RDAP
12 program. If Your Honor wouldn't mind recommending that program,
13 so that way he's ready and able to get into these programs when
14 he is released.

15 THE COURT: I certainly recommend the RDAP program. Do
16 you have any legal objection to any aspect of the sentence?

17 MS. LEVINE: I have no legal objection, Your Honor.

18 THE COURT: Okay. So really, Mr. Jones, I think it's
19 up to you now. I really do want to encourage you in every way
20 that I can. And I want to make a comment about supervised
21 release, because you have some experience with the state system,
22 and so do I.

23 I think it works a little bit differently here. The
24 resources are better and we have a terrific group of people. I'd
25 like you to understand that supervised release is not meant to

1 impede your life or make life difficult for you. It's actually
2 meant to help you help yourself. And if you try to have that
3 attitude about it, it might go a long way. But it's a terrific
4 group of people. They really try to work with people who've been
5 incarcerated to help you get situated and get yourself going in a
6 positive way.

7 Did you want to ask me something?

8 THE DEFENDANT: Yeah. My main concern is when I get
9 out of here, I just want to have the type of resources so I can
10 get back in the community because, like I said, like how you read
11 the part when they said Nathaniel, you know what I mean, like I
12 was there, but because I wouldn't say who, I guess because I
13 wouldn't snitch on my, whoever, whoever really committed the
14 crime, I was placed in jail. And then I felt like when I came
15 home after doing the eight years, it really wasn't, it really
16 wasn't nothing for me to be offered. You know what I mean?

17 THE COURT: Well, it's not going to be easy. I mean,
18 it never is easy for someone, unfortunately, who has a record and
19 has served time. But I think that they will do their best to
20 work with you, and then you just need to do your part. So if you
21 take advantage of whatever resources are provided for you,
22 hopefully it will help you get on your way. And that's really
23 all I can say about it. It's not going to be easy, as I said.
24 It couldn't be.

25 People do end up leading very productive lives after

1 having committed crimes. So it's not, no reason, as far as I can
2 tell, anything about you, that you couldn't be one of those
3 people.

4 THE DEFENDANT: Thank you.

5 THE COURT: Sir, let me advise you that in Paragraph 14
6 of your plea agreement, you waived many of your rights to appeal.
7 And I just want to doublecheck it, see exactly what it says.

8 You reserved the right to appeal if the Court imposed a
9 sentence that exceeded 72 months. Obviously, that didn't happen.
10 Nonetheless, if you believe you have any grounds to appeal and
11 you wish to exercise them, you must note an appeal within 14 days
12 from the entry of the Judgment and Commitment Order.

13 And I would ask defense counsel to confirm contact with
14 the defendant during this period in the event he wishes to note
15 an appeal.

16 MS. LEVINE: Okay. You will call me next week and we
17 will talk and discuss whether you want to file within that 14
18 days. Do you understand?

19 THE DEFENDANT: Yes.

20 MS. LEVINE: Thank you, Your Honor.

21 THE COURT: Anything else?

22 MS. LEVINE: Is there anything else that you would like
23 to say to Her Honor, anything you would like to say on your
24 behalf, or any other recommendations that you'd ask me to make on
25 your behalf that I did not?

1 THE DEFENDANT: No. The fact that, about the cell
2 phone.

3 MS. LEVINE: He has asked that, there are three things
4 that are listed on the consent forfeiture. His phones were also
5 seized.

6 THE COURT: The what? I'm sorry?

7 MS. LEVINE: His cell phones. He would like to see if
8 he could get those back. If not, he does understand, however,
9 there are pictures of his children on the phone and he would like
10 to see if they could be downloaded and provided to, I guess, me
11 or my office, and then I can provide them to him.

12 MR. HANLON: Your Honor, I'll invite Ms. Levine to
13 contact me. I'll put her in touch with the appropriate resources
14 of the Baltimore City Police Department to see if any of that
15 property could be returned to the defendant.

16 THE COURT: Okay. They'll work on it. Nobody can
17 promise. But hopefully, they will be able to either get you the
18 photos or get you the phone.

19 Good luck to you, sir.

20 (Conclusion of Proceedings at 3:42 p.m.)
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REPORTER'S CERTIFICATE

I, Mary M. Zajac, do hereby certify that I recorded stenographically the proceedings in the matter of USA v. Daniel Jones, Case Number(s) ELH-14-259, on August 8, 2014.

I further certify that the foregoing pages constitute the official transcript of proceedings as transcribed by me to the within matter in a complete and accurate manner.

In Witness Whereof, I have hereunto affixed my signature this _____ day of _____, 2014.

Mary M. Zajac,
Official Court Reporter

\$	31 [1] - 16:5 3553(a) [3] - 10:13, 11:4, 17:22 3553(a) [1] - 11:3 3561(c)(1) [1] - 7:14 3571(b)(3) [1] - 7:19 3583(b)(2) [1] - 7:8 3:06 [1] - 2:1 3:42 [1] - 22:20 3E1.1(a) [1] - 5:15 3E1.1(b) [1] - 5:17	accepted [3] - 5:14, 10:1, 12:1 accepting [2] - 11:23, 12:23 accomplishes [1] - 17:2 account [1] - 15:1 accurate [1] - 23:8 accustomed [1] - 9:25 actual [1] - 15:14 add [1] - 5:11 addition [1] - 9:18 address [1] - 13:5 adopt [1] - 17:21 adopted [1] - 18:4 advantage [2] - 16:16, 20:21 advise [1] - 21:5 advised [1] - 15:16 advisory [2] - 3:25, 4:1 affixed [1] - 23:9 afternoon [2] - 2:6, 3:21 agree [1] - 17:1 agreed [3] - 4:2, 5:16, 7:23 agreement [6] - 3:17, 5:16, 7:22, 8:10, 8:17, 21:6 ahead [1] - 15:5 alcohol [3] - 18:7, 19:8, 19:11 Allison [2] - 1:18, 2:7 AMERICA [1] - 1:4 analyzed [1] - 4:12 answer [1] - 17:13 anticipation [1] - 5:15 apologize [5] - 13:11, 13:14, 13:25, 14:1, 14:4 appeal [5] - 21:6, 21:8, 21:10, 21:11, 21:15 Appeals [1] - 3:24 appear [1] - 18:13 appearance [2] - 9:13, 10:2 Appearances [1] - 1:15 Application [1] - 7:17 appreciated [1] - 14:6 approaching [1] - 10:4 appropriate [3] - 4:6, 17:22, 22:13 approved [1] - 18:6 argued [1] - 16:17 arrest [1] - 12:15 arrested [1] - 11:19 arrive [1] - 5:12 arriving [1] - 4:5 aside [1] - 10:1 aspect [1] - 19:16 aspects [1] - 14:18 assault [3] - 6:10, 6:11,	10:24 assessment [3] - 4:8, 7:21, 18:11 assuming [1] - 9:7 assure [1] - 2:24 attitude [1] - 20:3 August [3] - 1:10, 15:25, 23:5	6:22, 7:3, 10:20 caught [1] - 13:19 cell [2] - 22:1, 22:7 certain [1] - 10:13 certainly [8] - 9:5, 10:7, 10:17, 14:25, 16:3, 17:19, 19:4, 19:15 CERTIFICATE [1] - 23:1 certify [2] - 23:3, 23:6 charging [1] - 3:12 children [9] - 12:9, 12:10, 12:18, 12:20, 16:9, 16:11, 19:3, 22:9 chose [1] - 13:7 Circuit [2] - 3:24, 6:5 circumstances [4] - 4:9, 9:15, 9:16, 11:5 City [2] - 6:6, 22:14 Class [1] - 3:14 classification [1] - 19:1 clear [1] - 17:7 clearly [1] - 11:8 client [6] - 2:9, 2:14, 2:25, 8:13, 11:23, 12:22 close [1] - 19:2 colleague [1] - 3:7 comfortable [4] - 9:21, 10:13, 10:14, 11:2 coming [2] - 13:12 commend [1] - 14:12 comment [1] - 19:20 comments [1] - 16:21 commission [1] - 6:11 Commission [1] - 4:17 Commitment [1] - 21:12 committed [4] - 5:2, 13:13, 20:13, 21:1 committing [1] - 16:13 communication [1] - 11:22 communities [1] - 17:8 community [4] - 11:7, 14:20, 17:12, 20:10 compelled [1] - 14:15 complete [1] - 23:8 concede [1] - 12:4 concern [1] - 20:8 concerning [1] - 13:2 conclusion [1] - 22:20 conditions [3] - 18:3, 18:5, 19:7 conduct [1] - 17:4 conference [1] - 13:2 confirm [1] - 21:13 Congress [1] - 16:21 connection [2] - 3:10, 5:8 cons [1] - 17:20
'08 [1] - 15:25	4		B	
1	4 [2] - 3:11, 15:25		background [4] - 4:14, 9:9, 9:11, 9:15 ball [1] - 11:20 Baltimore [4] - 1:11, 1:24, 6:5, 22:14 base [5] - 5:1, 5:6, 5:9, 10:19 based [3] - 4:8, 4:24, 7:2 Behalf [2] - 1:16, 1:18 behalf [4] - 2:8, 13:6, 21:24, 21:25 below [7] - 9:2, 9:6, 9:22, 10:25, 11:14, 14:10 below-guidelines [1] - 11:14 bench [1] - 13:2 benchmark [1] - 4:5 Bennett [1] - 2:13 best [1] - 20:19 better [2] - 15:6, 19:24 bit [2] - 9:22, 19:23 blame [1] - 14:21 bottom [1] - 14:11 briefly [1] - 12:2 brings [1] - 5:3 brung [1] - 15:22 Bureau [1] - 17:24	
10 [3] - 6:14, 7:1, 12:6 101 [1] - 1:23 108 [1] - 7:4 11 [1] - 3:16 11(c)(1)(C) [1] - 3:17 12 [1] - 7:22 13 [1] - 7:22 14 [3] - 21:5, 21:11, 21:17 15 [3] - 9:6, 9:8, 14:10 18 [9] - 3:13, 4:18, 7:1, 7:8, 7:14, 7:19, 11:3, 12:7, 13:14 19 [2] - 12:7, 13:14 1999 [1] - 6:5	5 5B1.1(a) [1] - 7:17 5D1.1(a) [1] - 7:10 5D1.2(a)(2) [1] - 7:13 5E1.2(c)(3) [1] - 7:20 5E1.2(e) [1] - 18:14		C	
2	7			
	7 [1] - 6:13 72 [9] - 3:18, 9:1, 9:8, 11:15, 12:14, 12:25, 17:1, 17:24, 21:9			
	8			
2 [1] - 7:17 2001 [1] - 6:13 2008 [1] - 15:8 2013 [4] - 3:19, 8:2, 17:25 2014 [4] - 1:10, 3:11, 23:5, 23:10 21201 [1] - 1:24 24 [2] - 5:2, 10:19 25 [4] - 3:19, 8:1, 8:2, 17:25 25th [2] - 11:20, 12:15 27 [2] - 5:22, 7:2 29 [1] - 3:15 2K2.1(a)(2) [2] - 4:18, 5:1 2K2.1(b)(4)(A) [1] - 5:7 2K2.1(b)(6)(B) [1] - 5:10	8 [2] - 1:10, 23:5 87 [2] - 7:3, 9:7 9 9 [1] - 7:25 922(g)(1) [1] - 4:18 922(g)(1) [1] - 3:13 924(a)(2) [1] - 7:1			
3	A			
3 [1] - 7:3 30 [2] - 5:12, 16:5	abiding [1] - 17:12 ability [1] - 18:13 able [4] - 2:25, 12:17, 19:13, 22:17 absolute [1] - 13:5 abuse [3] - 18:7, 18:8, 19:8 accept [3] - 10:4, 12:25, 13:18 acceptance [2] - 9:23, 11:12			

<p>consent [6] - 7:24, 8:3, 8:9, 8:16, 12:24, 22:4</p> <p>consider [3] - 5:24, 9:10, 16:23</p> <p>consistent [1] - 8:23</p> <p>constant [1] - 11:22</p> <p>constitute [1] - 23:6</p> <p>contact [2] - 21:13, 22:13</p> <p>contemplated [1] - 8:9</p> <p>content [1] - 3:5</p> <p>context [4] - 10:13, 11:1, 11:11, 11:13</p> <p>controlled [1] - 5:5</p> <p>convicted [1] - 3:12</p> <p>conviction [2] - 6:3, 6:9</p> <p>convictions [4] - 5:4, 9:16, 10:21, 10:24</p> <p>cooperating [1] - 13:3</p> <p>correct [3] - 8:8, 9:6, 9:7</p> <p>correctly [1] - 4:4</p> <p>counsel [8] - 2:5, 2:11, 2:22, 2:24, 4:15, 6:2, 6:22, 21:13</p> <p>counseling [1] - 18:8</p> <p>Count [1] - 3:11</p> <p>counts [1] - 18:17</p> <p>couple [4] - 13:10, 14:6, 15:2, 15:23</p> <p>course [7] - 2:10, 3:14, 4:7, 4:9, 13:8, 17:17, 18:15</p> <p>court [4] - 10:3, 11:20, 13:1, 15:22</p> <p>COURT [32] - 1:1, 2:5, 2:9, 2:15, 2:19, 2:22, 2:24, 3:4, 3:9, 5:21, 6:19, 6:25, 8:7, 8:14, 8:16, 8:25, 11:16, 13:4, 14:5, 15:19, 15:24, 16:2, 16:13, 18:20, 19:4, 19:15, 19:18, 20:17, 21:5, 21:21, 22:6, 22:16</p> <p>Court [19] - 3:23, 3:24, 4:3, 4:7, 4:10, 4:11, 5:24, 6:5, 7:6, 7:9, 9:3, 9:10, 13:5, 14:22, 15:1, 17:17, 18:4, 21:8, 23:15</p> <p>Court's [1] - 3:22</p> <p>Courthouse [1] - 1:23</p> <p>courts [1] - 14:22</p> <p>covered [1] - 8:18</p> <p>crime [3] - 5:4, 6:12, 20:14</p> <p>crimes [4] - 13:13, 16:13, 17:9, 21:1</p> <p>CRIMINAL [1] - 1:5</p> <p>criminal [14] - 5:14, 5:23, 6:20, 6:22, 7:3,</p>	<p>10:16, 10:20, 11:6, 11:12, 12:2, 12:4, 17:4</p> <p>Criminal [1] - 2:3</p> <p>Cumberland [1] - 18:25</p> <p>currency [2] - 8:1, 8:2</p> <p>cut [1] - 13:25</p> <p>D</p> <p>DANIEL [1] - 1:6</p> <p>Daniel [3] - 2:3, 2:8, 23:4</p> <p>date [2] - 12:14, 12:15</p> <p>daughter [1] - 13:22</p> <p>days [2] - 21:11, 21:18</p> <p>decade [1] - 10:22</p> <p>deduction [1] - 5:17</p> <p>deductions [3] - 5:11, 5:13, 5:22</p> <p>deemed [1] - 18:9</p> <p>Defendant [2] - 1:7, 1:18</p> <p>defendant [12] - 5:25, 6:19, 7:14, 7:23, 10:11, 10:18, 11:7, 13:3, 17:10, 17:14, 21:14, 22:15</p> <p>DEFENDANT [9] - 13:10, 15:18, 15:21, 16:1, 16:12, 20:8, 21:4, 21:19, 22:1</p> <p>defendant's [7] - 3:11, 5:23, 8:4, 9:13, 9:23, 10:16, 11:6</p> <p>defense [5] - 8:10, 8:11, 10:3, 18:20, 21:13</p> <p>degree [4] - 6:9, 6:10, 6:11, 10:24</p> <p>demonstrated [1] - 10:10</p> <p>Department [1] - 22:14</p> <p>described [1] - 8:3</p> <p>deserve [1] - 16:13</p> <p>details [1] - 16:5</p> <p>deter [2] - 11:7, 17:4</p> <p>different [1] - 14:14</p> <p>differential [1] - 9:10</p> <p>differently [1] - 19:23</p> <p>difficult [1] - 20:1</p> <p>direction [1] - 14:14</p> <p>directly [1] - 2:8</p> <p>discuss [4] - 9:14, 9:15, 21:17</p> <p>discussing [1] - 17:16</p> <p>disposition [1] - 4:3</p> <p>dispute [2] - 6:2, 8:20</p> <p>distribute [2] - 6:4, 6:12</p> <p>DISTRICT [2] - 1:1, 1:1</p> <p>DIVISION [1] - 1:2</p> <p>Dix [2] - 18:25, 19:1</p>	<p>document [1] - 8:13</p> <p>dole [1] - 15:1</p> <p>doors [1] - 13:13</p> <p>doublecheck [1] - 21:7</p> <p>down [1] - 13:25</p> <p>downloaded [1] - 22:10</p> <p>driven [1] - 10:21</p> <p>drug [1] - 19:10</p> <p>during [1] - 21:14</p> <p>E</p> <p>easily [1] - 14:14</p> <p>easy [3] - 20:17, 20:18, 20:23</p> <p>ECF [1] - 3:15</p> <p>educational [1] - 18:10</p> <p>effective [2] - 17:15, 17:17</p> <p>effort [1] - 13:15</p> <p>efforts [1] - 16:9</p> <p>eight [1] - 20:15</p> <p>either [5] - 3:4, 5:4, 18:24, 19:10, 22:17</p> <p>ELH-14-0259 [1] - 2:3</p> <p>eLH-14-259 [1] - 1:6</p> <p>ELH-14-259 [1] - 23:5</p> <p>eligibility [1] - 18:23</p> <p>eligible [4] - 7:15, 7:16, 18:24, 19:9</p> <p>Ellen [1] - 1:12</p> <p>encourage [1] - 19:19</p> <p>end [3] - 9:18, 11:4, 20:25</p> <p>entered [1] - 3:17</p> <p>entirely [1] - 13:8</p> <p>entry [2] - 7:23, 21:12</p> <p>errors [2] - 4:16, 8:19</p> <p>Esquire [2] - 1:16, 1:18</p> <p>evaluation [1] - 18:8</p> <p>event [1] - 21:14</p> <p>events [1] - 12:7</p> <p>exactly [3] - 3:20, 15:12, 21:7</p> <p>exceeded [1] - 21:9</p> <p>except [1] - 14:24</p> <p>excuse [1] - 6:21</p> <p>exercise [1] - 21:11</p> <p>expedite [1] - 11:24</p> <p>experience [1] - 19:21</p> <p>explain [2] - 3:20, 13:4</p> <p>expressed [1] - 11:23</p> <p>extend [1] - 17:18</p> <p>extent [1] - 15:4</p> <p>extremely [3] - 9:24, 10:3, 12:16</p>	<p>F</p> <p>fact [4] - 10:1, 10:18, 15:2, 22:1</p> <p>factors [2] - 11:4, 11:8</p> <p>falls [1] - 4:11</p> <p>family [2] - 12:17, 14:1</p> <p>far [2] - 6:22, 21:1</p> <p>fast [1] - 13:18</p> <p>father [3] - 12:12, 16:9, 16:10</p> <p>FCRR [1] - 1:22</p> <p>federal [3] - 10:3, 11:21, 17:3</p> <p>felon [1] - 3:13</p> <p>felony [4] - 3:14, 5:4, 5:9, 6:1</p> <p>felt [3] - 9:20, 11:2, 20:14</p> <p>few [3] - 14:15, 16:21, 18:21</p> <p>file [1] - 21:17</p> <p>final [1] - 5:22</p> <p>finally [1] - 17:14</p> <p>fine [4] - 7:18, 7:20, 18:13, 18:15</p> <p>firearm [3] - 3:12, 5:6, 5:8</p> <p>first [4] - 6:9, 6:10, 10:24, 14:20</p> <p>five [2] - 6:15, 7:15</p> <p>Floor [1] - 1:23</p> <p>following [2] - 9:13, 18:5</p> <p>FOR [1] - 1:1</p> <p>foregoing [1] - 23:6</p> <p>forfeiture [7] - 7:24, 7:25, 8:3, 8:17, 12:24, 18:15, 22:4</p> <p>Fort [2] - 18:25, 19:1</p> <p>forward [5] - 10:11, 11:24, 12:3, 16:10, 17:13</p> <p>four [1] - 5:10</p> <p>Fourth [2] - 1:23, 3:24</p> <p>frankly [1] - 16:17</p> <p>Friday [1] - 1:10</p> <p>front [1] - 12:4</p> <p>full [1] - 10:7</p> <p>G</p> <p>gather [2] - 15:20, 16:2</p> <p>Government [1] - 1:16</p> <p>government [12] - 5:16, 5:19, 5:20, 8:21, 9:1, 9:20, 10:9, 11:15, 11:21, 14:9, 16:18, 18:19</p> <p>government's [2] -</p>	<p>6:16, 11:25</p> <p>granted [1] - 5:21</p> <p>grounds [1] - 21:10</p> <p>group [2] - 19:24, 20:4</p> <p>grow [1] - 12:10</p> <p>guess [3] - 8:25, 20:12, 22:10</p> <p>guideline [4] - 4:17, 5:25, 7:11, 8:19</p> <p>guidelines [18] - 3:25, 4:1, 4:11, 4:19, 4:24, 5:8, 7:2, 7:9, 7:13, 7:16, 7:19, 9:2, 9:6, 9:22, 11:1, 11:14, 14:11</p> <p>guilty [6] - 3:11, 5:18, 6:5, 6:7, 6:13, 13:1</p> <p>gun [1] - 14:24</p> <p>guns [3] - 14:20, 15:13, 17:8</p> <p>H</p> <p>handgun [1] - 6:11</p> <p>Hanlon [6] - 1:16, 2:4, 9:3, 11:16, 11:22, 14:8</p> <p>HANLON [10] - 2:2, 5:20, 6:16, 6:23, 8:5, 8:8, 8:21, 9:5, 18:19, 22:12</p> <p>happy [1] - 16:3</p> <p>harsh [1] - 15:1</p> <p>harsher [1] - 17:1</p> <p>hat [1] - 23:6</p> <p>healthy [1] - 9:12</p> <p>hear [1] - 16:3</p> <p>hearing [1] - 9:3</p> <p>help [4] - 20:2, 20:5, 20:22</p> <p>hereby [2] - 17:23, 23:3</p> <p>hereunto [1] - 23:9</p> <p>himself [1] - 12:8</p> <p>history [12] - 5:23, 6:20, 6:22, 7:3, 10:16, 10:17, 10:20, 11:6, 11:12, 12:2, 12:5</p> <p>hold [1] - 13:7</p> <p>Hollander [1] - 1:12</p> <p>home [4] - 12:17, 15:23, 19:2, 20:15</p> <p>Honor [32] - 2:2, 2:6, 2:12, 2:23, 3:3, 5:20, 6:17, 6:23, 6:24, 8:6, 8:8, 8:21, 8:22, 9:5, 9:9, 10:15, 10:17, 10:23, 11:4, 11:17, 12:22, 12:25, 18:19, 18:21, 18:22, 19:7, 19:8, 19:12, 19:17, 21:20, 21:23, 22:12</p>
--	---	---	--	---

<p>Honorable ^[1] - 1:12 hope ^[3] - 14:16, 15:5, 16:9 hoped ^[1] - 15:9 hopeful ^[1] - 16:16 hopefully ^[2] - 20:22, 22:17 household ^[1] - 12:11 huge ^[1] - 14:20</p>	<p>Jersey ^[1] - 19:1 job ^[1] - 13:24 JONES ^[1] - 1:6 Jones ^[10] - 2:3, 2:8, 3:20, 4:19, 11:18, 13:4, 14:15, 16:8, 19:18, 23:5 judge ^[1] - 15:22 Judge ^[2] - 1:12, 2:13 judges ^[2] - 16:22 Judgment ^[1] - 21:12 June ^[1] - 3:11 justified ^[1] - 11:3 justify ^[1] - 16:20</p>	<p>looking ^[1] - 6:1 looks ^[2] - 6:6, 6:14 lost ^[1] - 13:24 loud ^[1] - 17:7 luck ^[1] - 22:19 lucky ^[1] - 14:8</p>	<p>12:14, 12:25, 14:10, 15:23, 17:1, 17:24, 21:9 most ^[3] - 11:5, 17:15, 17:17 motion ^[2] - 5:15, 5:21 move ^[3] - 5:19, 10:11, 13:18 moves ^[1] - 5:20 moving ^[1] - 11:24 MR ^[10] - 2:2, 5:20, 6:16, 6:23, 8:5, 8:8, 8:21, 9:5, 18:19, 22:12 MS ^[20] - 2:6, 2:12, 2:17, 2:23, 3:2, 3:6, 6:18, 6:24, 8:12, 8:15, 8:22, 11:17, 18:21, 19:6, 19:17, 21:16, 21:20, 21:22, 22:3, 22:7 must ^[7] - 4:3, 4:7, 4:11, 4:12, 5:24, 14:7, 21:11</p>	<p>O</p> <p>objection ^[6] - 8:11, 8:12, 8:14, 18:18, 19:16, 19:17 objections ^[1] - 8:19 objective ^[1] - 17:2 obviously ^[2] - 15:15, 21:9 occur ^[1] - 12:7 occurred ^[1] - 12:5 OF ^[2] - 1:1, 1:4 offense ^[20] - 4:10, 5:2, 5:3, 5:5, 5:6, 5:9, 5:12, 5:22, 6:4, 7:2, 10:2, 10:19, 10:20, 11:6, 15:2, 15:12, 15:15, 16:24, 16:25 offenses ^[3] - 6:1, 6:13, 15:7 offered ^[2] - 19:10, 20:16 office ^[1] - 22:11 Office ^[2] - 18:5, 18:7 official ^[1] - 23:7 Official ^[1] - 23:15 often ^[1] - 10:12 old ^[6] - 10:22, 12:7, 13:14, 15:3, 15:5, 15:6 older ^[1] - 13:21 once ^[2] - 10:2, 11:21 One ^[1] - 3:11 one ^[16] - 4:11, 5:17, 7:10, 7:12, 7:15, 9:23, 10:5, 12:19, 14:16, 15:8, 16:18, 16:19, 16:23, 17:16, 19:6, 21:2 open ^[1] - 18:17 Order ^[1] - 21:12 order ^[5] - 7:23, 7:24, 8:3, 8:17, 18:15 otherwise ^[1] - 10:18 own ^[1] - 13:5</p>
<p>I</p>	<p>K</p> <p>keep ^[1] - 14:2 kids ^[1] - 13:18 killed ^[1] - 15:14 kind ^[2] - 13:24, 15:21 knowing ^[1] - 13:16 known ^[1] - 11:18</p>	<p>M</p> <p>main ^[2] - 13:23, 20:8 mandatorily ^[1] - 15:24 mandatory ^[4] - 4:2, 7:21, 18:3, 18:10 manner ^[3] - 17:15, 17:17, 23:8 manual ^[2] - 4:20, 4:25 Marc ^[1] - 2:7 Mary ^[3] - 1:22, 23:3, 23:14 MARYLAND ^[1] - 1:1 Maryland ^[2] - 1:11, 1:24 massive ^[1] - 10:23 math ^[2] - 9:6, 9:7 matter ^[3] - 2:3, 23:4, 23:8 maximum ^[2] - 6:25, 7:18 mean ^[11] - 13:17, 13:20, 13:22, 13:24, 13:25, 14:2, 14:3, 14:4, 20:11, 20:16, 20:17 meaningful ^[2] - 10:8, 10:12 means ^[1] - 10:19 meant ^[2] - 19:25, 20:2 medium ^[1] - 18:25 member ^[1] - 17:12 men ^[1] - 16:4 mentally ^[2] - 2:25, 3:2 mention ^[1] - 4:20 mentioned ^[1] - 4:21 message ^[2] - 15:10, 17:7 Michael ^[2] - 1:16, 2:4 might ^[1] - 20:3 millimeter ^[1] - 7:25 mind ^[2] - 13:11, 19:12 mindful ^[1] - 3:16 minus ^[1] - 9:8 misconduct ^[1] - 5:14 mistakes ^[1] - 4:15 mitigation ^[1] - 10:23 Model ^[1] - 7:25 model ^[1] - 16:15 modestly ^[1] - 11:14 moment ^[2] - 2:14, 2:17 months ^[13] - 3:18, 7:4, 9:2, 9:6, 9:8, 11:15,</p>	<p>N</p> <p>name ^[2] - 4:1, 8:4 Nathaniel ^[4] - 15:16, 15:17, 15:19, 20:11 nature ^[2] - 11:5, 15:12 necessarily ^[1] - 4:10 necessary ^[1] - 18:9 need ^[9] - 2:17, 2:19, 11:6, 11:7, 16:14, 16:23, 17:6, 20:20 needs ^[1] - 11:13 negotiate ^[1] - 9:14 negotiation ^[1] - 9:17 never ^[5] - 4:10, 13:7, 17:16, 17:18, 20:18 New ^[1] - 19:1 next ^[2] - 11:19, 21:16 night ^[1] - 10:2 NO ^[1] - 1:5 nobody ^[1] - 22:16 nonetheless ^[3] - 4:3, 4:7, 21:10 NORTHERN ^[1] - 1:2 note ^[4] - 6:10, 10:18, 21:11, 21:14 Note ^[1] - 7:17 nothing ^[2] - 12:5, 20:16 notification ^[1] - 5:18 November ^[7] - 3:19, 6:5, 8:1, 8:2, 11:20, 12:15, 17:25 number ^[2] - 9:23, 16:22 Number ^[1] - 2:3 Number(s) ^[1] - 23:5</p>	<p>P</p> <p>p.m ^[2] - 2:1, 22:20 pages ^[1] - 23:6 Paragraph ^[2] - 3:16, 21:5 Paragraphs ^[2] - 7:22, 16:5 parole ^[1] - 17:3 part ^[6] - 5:24, 7:23, 8:17, 10:10, 20:11, 20:20 participate ^[2] - 18:6, 18:9 particularly ^[4] - 8:3,</p>
<p>J</p>	<p>L</p> <p>law ^[3] - 7:21, 17:12, 18:11 law-abiding ^[1] - 17:12 leading ^[1] - 20:25 least ^[2] - 5:4, 7:12 leaving ^[1] - 9:25 led ^[2] - 9:17, 9:20 legal ^[3] - 18:18, 19:16, 19:17 lenient ^[1] - 16:17 less ^[1] - 7:15 level ^[8] - 5:2, 5:6, 5:9, 5:12, 5:22, 7:2, 10:19, 10:20 levels ^[1] - 5:10 Levine ^[5] - 1:18, 2:7, 9:11, 11:16, 22:12 LEVINE ^[20] - 2:6, 2:12, 2:17, 2:23, 3:2, 3:6, 6:18, 6:24, 8:12, 8:15, 8:22, 11:17, 18:21, 19:6, 19:17, 21:16, 21:20, 21:22, 22:3, 22:7 life ^[6] - 13:19, 13:23, 15:5, 16:14, 20:1 line ^[1] - 8:6 listed ^[1] - 22:4 litigation ^[1] - 10:7 lives ^[1] - 20:25 loaded ^[1] - 14:23 locked ^[1] - 16:11 Lombard ^[1] - 1:23 look ^[2] - 5:1, 12:10</p>			

<p>10:24, 11:1, 17:3 parties [2] - 4:2, 11:9 passed [1] - 13:24 past [1] - 12:6 pause [1] - 6:10 pay [2] - 18:10, 18:13 people [7] - 14:21, 15:13, 19:24, 20:4, 20:25, 21:3 perhaps [1] - 14:16 period [6] - 9:12, 11:8, 11:9, 12:12, 18:1, 21:14 person [3] - 4:8, 14:22, 15:14 personally [2] - 3:4, 3:6 pertains [1] - 7:25 phone [3] - 22:2, 22:9, 22:18 phones [2] - 22:4, 22:7 photos [1] - 22:18 physically [2] - 2:25, 3:2 picked [1] - 13:22 pictures [1] - 22:9 pistol [1] - 8:1 place [1] - 18:1 placed [3] - 6:6, 18:24, 20:14 plea [19] - 3:11, 3:16, 3:17, 5:16, 7:22, 8:9, 8:17, 8:22, 9:1, 9:4, 10:6, 12:3, 12:13, 12:25, 13:1, 14:7, 17:21, 17:23, 21:6 plead [1] - 5:18 point [4] - 4:5, 15:6, 15:12, 17:12 points [2] - 6:20, 6:21 police [1] - 15:16 Police [1] - 22:14 policy [1] - 13:1 positive [1] - 20:6 possession [3] - 3:12, 6:3, 6:12 possible [2] - 14:23, 19:2 pre [4] - 8:22, 10:13, 11:1, 12:3 pre-indictment [2] - 10:13, 11:1 pre-plea [2] - 8:22, 12:3 presented [1] - 7:24 Presentence [4] - 3:5, 3:14, 16:6, 18:12 presents [1] - 5:25 preserved [1] - 10:9 presumes [1] - 4:10 pretrial [1] - 10:7 pretty [3] - 4:20, 4:25, 9:12</p>	<p>Prisons [1] - 17:24 probation [4] - 6:7, 7:16, 7:17 Probation [2] - 18:4, 18:7 problem [1] - 14:20 proceed [3] - 2:10, 2:25, 3:3 proceeding [2] - 3:21, 13:2 proceedings [3] - 2:1, 23:4, 23:7 Proceedings [1] - 22:20 process [2] - 10:3, 11:25 processes [1] - 13:12 productive [1] - 20:25 program [7] - 18:6, 18:10, 19:8, 19:11, 19:12, 19:15 programs [2] - 19:10, 19:13 promise [1] - 22:17 prompt [2] - 9:24, 9:25 property [1] - 22:15 pros [1] - 17:20 prosecutor [2] - 14:8, 14:12 protect [2] - 11:7, 17:9 proves [1] - 15:12 provide [3] - 12:17, 16:25, 22:11 provided [2] - 20:21, 22:10 provider [2] - 12:9, 13:23 PTAF [1] - 7:25 public [1] - 17:9 pull [1] - 16:3 punishment [1] - 16:25 purposes [1] - 4:23 pursuant [4] - 3:22, 12:13, 17:23, 19:7 put [2] - 11:13, 22:13</p>	<p>reach [1] - 17:16 read [5] - 3:4, 3:5, 3:6, 3:14, 20:10 reading [1] - 6:16 ready [6] - 2:9, 2:16, 2:20, 3:2, 10:4, 19:13 really [10] - 13:14, 13:15, 13:21, 19:18, 19:19, 20:4, 20:13, 20:15, 20:22 reason [3] - 14:23, 14:25, 21:1 reasonable [1] - 14:13 reasons [4] - 9:10, 10:5, 14:13, 18:12 received [2] - 6:8, 6:14 recess [2] - 2:20, 2:21 recommend [2] - 14:9, 19:15 recommendation [5] - 9:7, 10:14, 12:14, 18:22, 19:9 recommendations [3] - 12:24, 19:5, 21:24 recommended [2] - 12:13, 18:24 recommending [3] - 9:21, 11:9, 19:12 recommends [2] - 11:15, 16:18 record [4] - 2:7, 15:3, 20:18 recorded [1] - 23:3 reflect [2] - 9:19, 16:24 rehabilitate [1] - 17:14 rehabilitation [1] - 17:18 relating [1] - 18:7 release [9] - 7:5, 7:7, 7:11, 18:1, 18:4, 19:7, 19:21, 19:25 released [3] - 15:7, 15:25, 19:14 remark [1] - 16:8 remarks [1] - 14:6 remembers [1] - 12:11 remiss [1] - 14:18 Report [4] - 3:5, 3:14, 16:6, 18:12 report [3] - 8:23, 8:24, 12:3 Reported [1] - 1:22 Reporter [1] - 23:15 REPORTER'S [1] - 23:1 request [1] - 19:7 requests [2] - 18:20, 18:21 required [5] - 7:11, 7:21, 8:18, 13:6, 18:11 resentenced [1] - 15:22</p>	<p>reserved [1] - 21:8 resolution [1] - 17:16 resources [6] - 10:9, 12:1, 19:24, 20:9, 20:21, 22:13 respect [1] - 10:15 responsibility [11] - 3:22, 5:14, 9:24, 10:1, 10:5, 10:11, 11:12, 11:24, 12:1, 12:23, 13:18 returned [1] - 22:15 review [1] - 11:20 rights [1] - 21:6 road [1] - 13:25 Roland [1] - 2:7 role [1] - 16:15 RPR [1] - 1:22 Rule [1] - 3:17 rules [1] - 4:22 run [2] - 3:19, 17:25</p>	<p>served [2] - 6:6, 20:19 serving [1] - 12:16 set [1] - 2:4 several [2] - 3:22, 16:4 shooting [2] - 15:14, 16:2 shot [1] - 15:16 sign [2] - 8:11, 16:18 signature [2] - 8:6, 23:10 signed [2] - 8:10, 18:15 significant [4] - 10:16, 10:24, 12:4, 12:12 signing [1] - 8:16 Silverstein [2] - 3:7, 9:12 situated [1] - 20:5 situations [1] - 13:20 six [3] - 6:20, 6:21, 11:10 snitch [1] - 20:13 someone [1] - 20:18 son [1] - 13:22 sorry [2] - 8:5, 22:6 sort [3] - 9:19, 10:1, 15:21 sound [1] - 14:13 speaking [1] - 11:22 special [3] - 7:21, 18:5, 18:11 spend [1] - 17:15 standard [1] - 18:3 standing [1] - 14:22 starting [2] - 4:5, 9:1 state [2] - 11:20, 19:21 state's [1] - 13:15 STATES [2] - 1:1, 1:4 States [4] - 2:2, 2:4, 3:23 status [1] - 18:23 statute [3] - 6:25, 7:6, 7:18 statutes [1] - 4:22 stay [1] - 19:2 stenographically [1] - 23:4 still [1] - 11:20 stolen [1] - 5:6 stop [2] - 14:21 Street [1] - 1:23 submit [1] - 12:22 subsequent [1] - 5:3 substance [3] - 5:5, 18:7, 19:8 substantial [2] - 11:8, 11:9 substantially [2] - 10:21, 14:10 suggest [2] - 10:17,</p>
S				
<p>sake [1] - 17:18 satisfactorily [2] - 18:6, 18:9 satisfied [2] - 2:11, 17:22 school [3] - 12:18, 12:21, 13:22 score [2] - 6:20, 6:21 seat [2] - 2:10, 3:9 second [2] - 6:10, 15:7 section [1] - 4:20 Section [9] - 3:13, 4:18, 5:17, 7:1, 7:8, 7:14, 7:19, 11:3 see [5] - 14:9, 21:7, 22:7, 22:10, 22:14 seeing [1] - 9:25 seized [3] - 8:1, 8:2, 22:5 send [1] - 17:6 sentence [23] - 3:18, 3:19, 4:6, 4:10, 6:6, 6:8, 6:14, 11:14, 14:10, 15:1, 16:17, 16:23, 16:24, 16:25, 17:1, 17:2, 17:18, 17:22, 17:23, 17:25, 18:18, 19:16, 21:9 Sentencing [2] - 1:10, 4:17 sentencing [6] - 2:4, 3:1, 3:10, 3:25, 4:9, 13:2 separate [1] - 4:22 serious [5] - 11:13, 14:18, 15:2, 15:7, 15:15 seriousness [1] - 16:24 serve [2] - 4:4, 15:8</p>				
Q				
<p>qualify [1] - 6:1 quick [1] - 10:3 quite [1] - 14:12</p>				
R				
<p>range [3] - 7:3, 7:11, 7:20 rare [1] - 14:9 rather [1] - 10:6 RDAP [2] - 19:11, 19:15</p>				

<p>10:22 suggests ^[1] - 4:1 super ^[1] - 11:12 super-acceptance ^[1] - 11:12 supervised ^[8] - 7:5, 7:7, 7:11, 18:1, 18:4, 19:7, 19:20, 19:25 supportable ^[1] - 11:14 suppose ^[1] - 17:15 supposed ^[1] - 16:23 Supreme ^[1] - 3:23 suspend ^[1] - 6:14 sustaining ^[1] - 5:3 system ^[2] - 17:3, 19:21</p>	<p>trigger ^[1] - 16:3 trust ^[1] - 17:11 try ^[3] - 13:19, 20:2, 20:4 trying ^[3] - 13:16, 13:17, 13:21 turn ^[2] - 14:17, 15:10 two ^[9] - 2:14, 2:17, 5:4, 5:7, 5:13, 5:25, 9:9, 9:19, 15:7 type ^[1] - 20:9</p>	<p>wasting ^[1] - 11:25 weapon ^[1] - 14:23 week ^[2] - 2:13, 21:16 weigh ^[1] - 17:20 West ^[1] - 1:23 Whereof ^[1] - 23:9 who've ^[1] - 20:4 willing ^[1] - 17:21 willingness ^[1] - 10:10 wish ^[2] - 13:8, 21:11 wishes ^[1] - 21:14 Witness ^[1] - 23:9 word ^[1] - 2:15 works ^[1] - 19:23</p>
T	U	Y
<p>Taurus ^[1] - 7:25 term ^[5] - 6:25, 7:5, 7:6, 7:9, 17:24 terms ^[5] - 5:23, 6:25, 7:5, 7:9, 9:1 terrific ^[2] - 19:24, 20:3 testing ^[1] - 18:8 thankfully ^[1] - 15:14 THE ^[42] - 1:1, 1:1, 2:5, 2:9, 2:15, 2:19, 2:22, 2:24, 3:4, 3:9, 5:21, 6:19, 6:25, 8:7, 8:14, 8:16, 8:25, 11:16, 13:4, 13:10, 14:5, 15:18, 15:19, 15:21, 15:24, 16:1, 16:2, 16:12, 16:13, 18:20, 19:4, 19:15, 19:18, 20:8, 20:17, 21:4, 21:5, 21:19, 21:21, 22:1, 22:6, 22:16 therefore ^[2] - 17:23, 18:14 thick ^[2] - 4:20, 4:25 thinking ^[1] - 14:19 three ^[7] - 5:22, 6:8, 6:22, 7:7, 7:12, 18:1, 22:3 three-year ^[1] - 6:8 time-served ^[1] - 6:6 timely ^[1] - 5:17 today ^[2] - 5:3, 16:17 together ^[1] - 3:8 tolerate ^[1] - 17:7 took ^[1] - 13:22 total ^[3] - 3:18, 5:22, 7:2 touch ^[1] - 22:13 transcribed ^[1] - 23:7 transcript ^[1] - 23:7 translates ^[1] - 6:21 treatment ^[1] - 18:6 trial ^[1] - 13:16</p>	<p>U.S ^[1] - 1:23 ultimately ^[1] - 6:8 uncle ^[1] - 13:24 under ^[19] - 3:16, 3:17, 5:7, 5:10, 5:15, 5:17, 7:1, 7:2, 7:8, 7:10, 7:12, 7:16, 7:17, 7:19, 7:22, 11:3, 17:21, 18:14 undertake ^[1] - 3:24 unfortunately ^[1] - 20:18 unique ^[1] - 11:11 UNITED ^[2] - 1:1, 1:4 United ^[4] - 2:2, 2:4, 3:23 up ^[8] - 5:11, 12:10, 13:8, 13:19, 13:23, 16:11, 19:19, 20:25 upsets ^[1] - 15:10 US ^[2] - 8:1, 8:2 USA ^[1] - 23:4 USC ^[7] - 3:13, 4:18, 7:1, 7:8, 7:14, 7:19, 11:3</p>	<p>year ^[3] - 6:8, 7:10, 7:12 years ^[10] - 6:14, 7:1, 7:7, 7:16, 11:10, 12:6, 12:7, 13:14, 18:2, 20:15 young ^[5] - 12:8, 12:18, 15:4, 19:3 younger ^[1] - 13:13 yourself ^[4] - 14:17, 15:10, 20:2, 20:5</p>
	V	Z
	<p>verdict ^[1] - 2:13 versus ^[1] - 2:2 view ^[1] - 14:10 violating ^[1] - 6:7 violation ^[2] - 3:13, 4:17 violence ^[3] - 5:4, 6:12, 14:21 visited ^[1] - 3:7 vocational ^[1] - 18:10</p>	<p>Zajac ^[3] - 1:22, 23:3, 23:14 Zayon ^[1] - 2:7</p>
	W	
	<p>waive ^[1] - 18:14 waived ^[1] - 21:6 waiver ^[1] - 10:6 Walker ^[1] - 2:7 wants ^[1] - 12:9 waste ^[1] - 13:15</p>	